



# PUBLIC NOTICE

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## INVOICE FILING DEADLINES FOR TV BROADCASTER RELOCATION FUND REIMBURSEMENTS BEGIN ON OCTOBER 8, 2021

MB Docket No. 16-306  
GN Docket No. 12-268

1. The Incentive Auction Task Force and Media Bureau (Bureau) remind eligible entities that filing deadlines to submit all remaining invoices for reimbursement from the TV Broadcaster Relocation Fund (Reimbursement Fund or Fund) will begin in six months.<sup>1</sup> Entities are strongly encouraged to submit all remaining invoices and initiate close-out procedures as early as possible and are not required to wait for their assigned final invoice filing deadline to initiate close-out procedures. The deadlines help ensure that all eligible invoices are processed and paid, and that entities have sufficient time to complete the Fund close-out procedures<sup>2</sup> prior to July 3, 2023, when any unobligated amounts in the Fund will be rescinded and deposited into the U.S. Treasury.<sup>3</sup> The final invoice filing deadlines are as follows:

- **October 8, 2021** for Full power and Class A TV stations assigned transition completion dates in phases 1-5,<sup>4</sup>
- **March 22, 2022** for Full power and Class A TV stations assigned transition completion dates in phases 6-10,
- **September 5, 2022** for Low Power TV and TV translator (LPTV/translator) stations, FM stations, and multichannel video programming distributors (MVPDs).

2. Congress provided \$2.75 billion for the Fund to reimburse certain costs associated with the post-incentive auction transition.<sup>5</sup> As of this date, participants in the Reimbursement Fund include 957 repacked full power and Class A TV stations, 873 LPTV/translator stations, 90 FM stations, and 181 MVPDs. As of April 6, 2021, 953 (over 96%) of the repacked full power and Class A TV stations are

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<sup>1</sup> See *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273 (MB/IATF 2020) (*Invoice Filing Deadline PN*).

<sup>2</sup> See *Incentive Auction Task Force and Media Bureau Report on the Status of the Post-Incentive Auction Transition and Reimbursement Program; Announce a Further Allocation from the Relocation Fund; and Announce Procedures for Eligible Entities to Close Out Accounts in the Fund*, Public Notice, 34 FCC Rcd 304 (MB/IATF 2019) (*Close Out Procedures PN*).

<sup>3</sup> 47 U.S.C. § 1452(j)(1)(A)-(B).

<sup>4</sup> See *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (IATF/MB 2017) (*Transition Scheduling Adoption PN*).

<sup>5</sup> 47 U.S.C. §§ 1452(b)(4)(A)(i), (ii), (j)-(n).

operating on their final facilities.<sup>6</sup> The remaining 34 stations (less than 4%) have been granted special temporary authority and revised construction permit deadlines to complete their final facilities. Many LPTV/translator stations have also completed their displacement facilities, while others continue to make progress on construction.<sup>7</sup> Some FM stations and MVPDs have already incurred costs, and some may incur additional costs as the remaining repacked stations complete their transition to final facilities. Participants have received allocations of 92.5 percent of each entity's verified estimates.<sup>8</sup> As of April 6, 2021, the total of all verified estimates was over \$2.216 billion, the total allocation was over \$2.042 billion, over \$1.516 billion had been forwarded to Treasury for payment, and over \$48 million in invoices were under review.<sup>9</sup>

3. Over a year ago, we established procedures to complete each entity's participation in the Reimbursement Fund while helping us prevent waste, fraud, and abuse associated with the disbursement of federal funds.<sup>10</sup> The two-step close-out process involves an interim stage and a final stage.<sup>11</sup> Despite the significant progress made completing the transition and the availability of reimbursement funds and close-out procedures, as of April 6, 2021, only 114 entities have initiated interim close-out procedures, including 28 repacked stations and 86 LPTV/translator stations. In addition, 341 entities have not submitted any invoices at all, including 8 repacked stations, 168 LPTV/translator stations, 10 FM stations, and 155 MVPDs.<sup>12</sup>

<sup>6</sup> *Incentive Auction Closing and Channel Reassignment Public Notice; The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF, MB, and WTB 2017) (*Closing and Channel Reassignment PN*).

<sup>7</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, at 6839-40, paras. 668-71, and 6840, n.1863 (2014), (*Incentive Auction R&O*); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860 (IATF/MB 2017); *Incentive Auction Task Force and Wireless Telecommunications Bureau Grant 600 MHz Licenses*, Public Notice, 32 FCC Rcd 4832 (2017), 32 FCC Rcd 5684 (2017), 32 FCC Rcd 9280 (2017), 33 FCC Rcd 98 (2018), 33 FCC Rcd 869 (2018), 33 FCC Rcd 6339 (2018), 33 FCC Rcd 7358 (2018), 33 FCC Rcd 11699 (2018), 33 FCC Rcd 11721 (2018); *Incentive Auction Task Force and Media Bureau Set Forth Tools Available to LPTV/Translator Stations Displaced Prior to the Special Displacement Window*, Public Notice, 32 FCC Rcd 4943 (MB/IATF 2017).

<sup>8</sup> See, e.g., *Incentive Auction Task Force and Media Bureau Announce the Initial Reimbursement Allocation for Eligible Broadcasters and MVPDs*, Public Notice, 32 FCC Rcd 7556, 7556-57 (IATF/MB 2017); *Incentive Auction Task Force and Media Bureau Announce a Further Reimbursement Allocation for Eligible Broadcasters and MVPDs*, Public Notice, 33 FCC Rcd 3732 (IATF/MB 2018); *Initial Allocation for FM Stations from TV Broadcaster Relocation Fund and Report on the Status of the Post-Incentive Auction Transition, The Reimbursement Program, and the Consumer Education Program*, Public Notice, DA-19-1246 (IATF/MB 2019); *Initial Allocation for LPTV/translator Stations from the TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 2913 (IATF/MB 2020); *Incentive Auction Task Force and Media Bureau Report on Status of the Post-Incentive Auction Reimbursement Program and Announce a Further Allocation from the TV Broadcaster Relocation Fund for LPTV/translator Stations*, DA21-21 (MB/IATF 2021).

<sup>9</sup> Consistent with our experience in managing the Fund to date, we expect that the number of reimbursement requests will continue to increase over the life of the Fund.

<sup>10</sup> See *Close-Out Procedures PN*, 34 FCC Rcd 304.

<sup>11</sup> See *Id.* At an appropriate time before the end of the program, we may make a final allocation to reimburse entities up to the total amount of remaining incurred expenses. At that time, each entity will enter the final close-out stage and receive a final close-out letter. *Id.*

<sup>12</sup> Entities are reminded that they must also satisfy the Commission's procedures for submission of banking instructions using Form 1876 prior to receiving any payment from the Reimbursement Fund. Payments cannot be  
(continued....)

4. All entities in the program should initiate interim close-out procedures as soon as they complete their construction projects and have incurred and submitted invoices for all of their reimbursable costs. Because 953 repacked stations are operating on their final facilities but only 28 repacked stations and 86 LPTV/translator stations have initiated interim close-out procedures, we are concerned that many entities may be unnecessarily delaying making final submissions to the program and initiating interim close-out procedures. We note that payments up to the total amount of each entity's allocation are available upon processing of documents reflecting reasonably incurred costs. However, we will not be able to make a final allocation up to the full amount of costs incurred until all or virtually all invoices for incurred costs are submitted, or at such time as we can reasonably extrapolate that the total available funding will be sufficient to meet the total cost of the program.

5. As we previously stated, we do not anticipate a need to grant extensions of the assigned invoice submission deadlines.<sup>13</sup> When we established final invoice filing deadlines, we balanced the burden on entities that have ongoing construction work against the need for Commission staff (with the support of the Fund Administrator) to have sufficient time to fully process all reimbursement requests and complete close-out procedures prior to the July 3, 2023.<sup>14</sup>

6. *Deadline for Final Submissions from Phases 1-5 Repacked Stations: October 8, 2021.* All repacked stations assigned to phases 1 through 5,<sup>15</sup> and repacked stations that were granted permission to transition prior to the phase 1 testing period, must submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than October 8, 2021. All 510 repacked stations in this group vacated their pre-auction channels prior to September 11, 2019. As of April 6, 2021, all but 15 of such stations were operating on their final facilities.

7. *Deadline for Final Submissions from Phases 6-10 Repacked Stations: March 22, 2022.*

made until a station's Form 1876 has been approved – a process that can take several weeks. See *The Incentive Auction Task Force and Media Bureau Announce Procedures for Submitting Financial Information Required for Disbursement of Reimbursement Payments*, Public Notice, 34 FCC Rcd 7070 (MB/IATF Aug. 15, 2019). Additional support in filing Form 1876 can be found on the Commission's website. <https://www.fcc.gov/about-fcc/fcc-initiatives/incentive-auctions/reimbursement>

<sup>13</sup> *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13. In the unlikely event that an entity faces circumstances beyond its control, we will consider a limited extension by means of shifting an entity with the first or second deadline assignment to the second or third deadline assignment. An entity requesting such a shift will have to provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline. Note that we will not consider the availability of reimbursement for specific purchases a mitigating factor in evaluating extension requests. Furthermore, we advise entities that we will not be able to grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations. Thus, an entity's failure to complete construction in a timely manner and to make final submissions by the assigned deadlines could preclude that entity from receiving full reimbursement because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023.

<sup>14</sup> See *Id.* at 11276-77, para 9. The first deadline for final submissions – October 8, 2021 – will occur more than a year after the July 13, 2020, end of the transition period and was announced a full year ahead of time, providing lengthy advance notice to Fund participants. We utilized a phased approach, recognizing that repacked stations with phase assignments earlier in the transition period were more likely to have completed their transition to final facilities, completed all construction, and incurred all costs. We further considered that MVPDs, FM stations, and LPTV/translator stations may incur expenses toward the end of the program. The phased approach thus allows us to sequence the Fund Administrator's and Commission staff's processing work because a deluge of filings at the program's end jeopardizes the timely completion of the program and could prevent entities from receiving full reimbursement for their expenses. We also recognized that program participants require human capital to complete the close-out process, and we believe the phased approach will lessen that resource burden. *Id.*

<sup>15</sup> A station that was granted permission to change phases is assigned to the deadline associated with its revised phase completion date.

All repacked stations assigned<sup>16</sup> to phases 6 through 10, and repacked stations that were granted permission to transition shortly after the end of phase 10 due to circumstances beyond their control, must submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than March 22, 2022. All 444 repacked stations in this group had transitioned by the July 13, 2020, deadline, with the exception of a handful of brief extensions to stations that had experienced unforeseeable circumstances, all of which met extension dates by the end of September 2020. As of April 6, 2021, all but 19 such stations were operating on their final facilities.

8. *Deadline for Final Submissions from All Other Entities: September 5, 2022.* All MVPDs, FM stations, and LPTV/translator stations who intend to seek reimbursement must submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than September 5, 2022.

9. Entities that have not submitted any invoices and do not plan to submit any invoices should contact the Fund Administrator as soon as possible to close out their accounts. Entities that have failed to file any invoices or initiated interim close-out procedures by the invoice filing deadline assigned to that entity will be closed out of the reimbursement program on that filing deadline date and any allocations made to that entity's account will be returned to the Fund and available for allocation to other entities in the reimbursement program.

10. We remind entities that we have established procedures to ensure compliance with Fund guidelines. For example, entities may be selected for audits, data validations, and site visits at any time during the repack and reimbursement process, i.e., before or after the entity has completed its construction project; during the close-out period; or at a time thereafter. We remind participants that they must retain documents for a period ending 10 years after the date they receive their final payments from the Reimbursement Fund.<sup>17</sup>

11. For additional information or questions about the reimbursement process, please call the Reimbursement Help Line at (202) 418-2009, or e-mail [Reimburse@fcc.gov](mailto:Reimburse@fcc.gov).

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<sup>16</sup> See *supra* note 15.

<sup>17</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11278-79, paras. 15-17.